

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
Marshall S. Huebner
Benjamin S. Kaminetzky
Timothy Graulich
James I. McClammy
Eli J. Vonnegut

*Counsel to the Debtors
and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	
In re:)	Chapter 11
)	
PURDUE PHARMA L.P., <i>et al.</i> , ¹)	Case No. 19-23649 (RDD)
)	
Debtors.)	Jointly Administered
)	

Pursuant to 28 U.S.C. § 1746, I, Jeanne C. Finegan, hereby declare as follows under penalty
of perjury:

¹ The Debtors in these cases, along with the last four digits of each Debtor's registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (NA/), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF L.P. (0495), SVC Pharma L.P. (5717), and SVC Pharma Inc. (4014). The Debtors' corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

I. INTRODUCTION

1. I am the Vice President of Notice Media Solutions at Prime Clerk LLC (“**Prime Clerk**”),² the Debtors’ court-appointed claims and noticing agent in these chapter 11 cases. Except as otherwise noted, this Declaration is based upon my personal knowledge of the matters set forth herein, my review of relevant documents, information provided to me by Purdue Pharma L.P. (“**PPLP**”) (together, with its debtor-affiliates, the “**Debtors**”) and their agents and professionals, including professionals at Davis Polk & Wardwell LLP, and Prime Clerk, and my prior experience in bankruptcy and class action noticing. If called and sworn as a witness, I could and would testify competently thereto.

2. I submit this Declaration in support of the *Debtors’ Motion for Entry of an Order Establishing Deadlines for Filing Proofs of Claim and Procedures Relating Thereto, Approving the Proof of Claim Forms, and Approving the Form and Manner of Notice Thereof* (the “**Bar Date Motion**”), filed contemporaneously herewith. This Declaration describes and details my view regarding the Debtors’ robust procedures for providing notice of the Bar Dates to known and unknown claimants and parties in interest, including the Supplemental Notice Plan.

3. I have been working with Prime Clerk and the Debtors on the comprehensive notice procedures set forth in the Bar Date Motion, including the traditional procedures for providing notice to all “known” creditors and the multi-faceted Supplemental Notice Plan to provide notice to “known” and “unknown” claimants of the need to file proofs of claim to assert any claims against the Debtors’ estates, including claims related to Purdue Opioids (the “**Opioid Claimants**”), all as more fully described below and in the Bar Date Motion.

² Capitalized terms used herein and not otherwise defined shall have the meanings assigned to them in the Bar Date Motion (as defined below).

4. The Debtors' Supplemental Notice Plan is one of the largest legal notice programs ever deployed,³ reaching an estimated ninety-five (95) percent of all men and women over the age of eighteen (18)⁴ with an average frequency of message exposure of six (6) times. Additionally, the Debtors will provide notice in Canada, estimated to reach over eighty (80) percent of all adults over the age of eighteen (18) on average three (3) times.

5. This Declaration describes in detail the Debtors' Supplemental Notice Plan to be implemented in the United States and in Canada.

6. The comprehensive Supplemental Notice Plan comprises an extensive advertising campaign utilizing network broadcast and cable television, terrestrial and streaming radio, newspaper, magazine, advanced television, out-of-home advertising, online video, online display, and social media.⁵ The scope and selection of media channels and geographical considerations have been guided by careful analysis of multiple data sources providing information concerning all prescription opioid distribution. The total estimated cost of the Supplemental Notice Plan to be implemented in the U.S. and Canada as described herein and in the Bar Date Motion is \$23,750,000. Implementation of the Supplemental Notice Plan will commence within twenty-one (21) days of approval and will run for sixty (60) days.

7. Based on my experience, as set forth below, I believe that the Debtors' notice procedures, and in particular the Supplemental Notice Plan, are broad, multi-faceted, and designed to have the greatest possible reach to all known and unknown claimants and parties in interest,

³ See *infra* ¶ 22.

⁴ Approximately 234,000,000 people in the U.S., regardless of age, gender, or socio-economic condition.

⁵ There are four types of media: paid (advertising you control and pay for), earned (news content, mentions you earn), shared (user generated social content and social media), and owned (content you generate on a platform you own such as a blog). The Supplemental Notice Plan utilizes paid, earned, owned (through a post on the Debtors' website), and shared media.

including those who have been prescribed or may have otherwise consumed opioids possibly manufactured by the Debtors. Furthermore, the scope of the Debtors' Supplemental Notice Plan budget is appropriate to achieve the optimal reach and frequency for noticing given the extensive geographical, ethnic and socio-economic availability, distribution, and use of opioids.

III. NOTICE EXPERTISE AND QUALIFICATIONS

8. My credentials, expertise, and experience that qualify me to provide an expert opinion and advice regarding notice in these chapter 11 cases include more than 30 years of communications and advertising experience, specifically in the bankruptcy and class action notice context. My Curriculum Vitae delineating my experience is attached hereto as **Exhibit A**.

9. I have served as an expert and have been directly responsible for the design and implementation of numerous notice programs, including some of the largest and most complex programs ever implemented in the United States as well as globally in over 140 countries and thirty-seven (37) languages. I have been recognized by numerous courts in the United States and in Canada⁶ as an expert on notification and outreach.

10. During my career, I have planned and implemented over 1,000 complex notice programs for a wide range of bankruptcy, class action, regulatory, and consumer matters. I have been recognized as being at the forefront of modern notice practices,⁷ and I was one of the first notice experts to integrate digital media⁸ and social media into court-approved legal notice programs.

⁶ See *Bell v. Canadian Imperial Bank of Commerce, et al.*, No. CV-08-359335 (Ont. Super. Ct. of Justice, 2016); *In re Canadian Air Cargo Shipping Class Actions*, No. 50389CP (Ont. Super. Ct. of Justice, Supreme Ct. of B.C. 2011); *Fischer v. IG Inv. Mgmt. LTD.*, No. 06-CV-307599CP (Ont. Super. Ct. of Justice 2010); *In re Canadian Air Cargo Shipping Class Actions* (Que. Super. Ct. 2009); *Frohlinger v. Nortel Networks Corp. et al.*, No.: 02-CL-4605 (Ont. Super. Ct. of Justice 2007).

⁷ See, e.g., Deborah R. Hensler et al., *Class Action Dilemmas, Pursuing Public Goals for Private Gain*, RAND (2000).

⁸ See *In re La.-Pac. Inner-Seal Siding Litig.*, Nos. 879-JE, 1453-JE (D. Or. 1995).

11. I have significant experience planning and implementing complex court-approved notice programs in chapter 11 cases, including some of the earliest bankruptcy noticing programs:

- *In re The LTV Corp., et al.*, No. 86-11270 (Bankr. S.D.N.Y. 1986);
- *In re Cont'l Airlines, et al.*, No. 90-932 (Bankr. D. Del. 1990);
- *In re E. Air Lines, Inc.*, No. 89-10448 (Bankr. S.D.N.Y. 1989);
- *In re Pan Am Corp.*, No. 91-10080 (Bankr. S.D.N.Y. 1991);
- *In re R.H. Macy & Co., Inc., et al.*, No. 92-40477 (Bankr. S.D.N.Y. 1992);
- *In re Schwinn Bicycle Co., et al.*, No. 92-22474 (Bankr. N.D. Ill. 1992);
- *In re Caldor, Inc. NY, The Caldor Corp., Caldor, Inc. CT, et al.*, No. 95-44080 (Bankr. S.D.N.Y. 1995);
- *In re Harnischfeger Indus.*, No. 99-2171 (Bankr. D. Del. 1999);
- *In re Columbia Gas Transmission Corp.*, No. 91-804 (Bankr. S.D.N.Y. 1991);
- *In re Decora Indus., Inc. & Decora, Inc.*, No. 00-4459 (Bankr. D. Del. 2000).

12. I have also formulated notice and media plans for some of the largest chapter 11 matters in history:

- *In re PG&E Corp., et al.*, No. 19-30088 (Bankr. N.D. Cal. 2019)
- *In re AMR Corp., et al.*, No. 11-15463 (Bankr. S.D.N.Y. 2011);
- *In re Gen. Motors Corp. et al*, No. 09-50026 (Bankr. S.D.N.Y. 2009);
- *In re United Airlines, Inc.*, No. 02-B-48191 (Bankr. N.D. Ill. 2002);
- *In re Enron Corp.*, No. 01-16034 (Bankr. S.D.N.Y. 2001); and
- *In re Dow Corning*, No. 95-20512 (Bankr. E.D. Mich. 1995).

13. These are but a few examples of the numerous bankruptcy notice plans that I have designed and implemented, which are a small sampling of my thousands of notice programs overall.

14. I am the only notice expert regularly recognized by courts who is accredited in Public Relations by the Universal Accreditation Board, a program administered by the Public Relations Society of America. I have provided testimony before the United States Congress on

issues of notice.⁹ I have lectured, published, and been cited extensively on various aspects of legal noticing, product recall, and crisis communications. I have served the Consumer Product Safety Commission (“CPSC”) as an expert to determine ways in which the CPSC can increase the effectiveness of its product recall campaigns. Additionally, I have published and lectured extensively on various aspects of legal noticing and taught continuing education courses for Jurists and lawyers alike on best practice methods for providing notice in various contexts.

15. I worked with the Special Settlement Administrator’s team to assist with the outreach strategy for the historic Auto Airbag Settlement. *In re Takata Airbag Prods. Liab. Litig.*, No. 15-MD-2599 (S.D. Fla. 2015). I was extensively involved as a lead contributing author for “*Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions*” published by Duke University School of Law. And, more recently, I have been involved with New York University School of Law and The Center on Civil Justice assisting with a class action settlement data analysis and comparative visualization tool called the *Aggregate Litigation Project*, designed to help judges make decisions in aggregate cases on the basis of data as opposed to anecdotal information.

16. I am a member of the Board of Directors for the Alliance for Audited Media, which is the recognized advertising industry leader in cross-media verification with unparalleled expertise across all brand platforms including web, mobile, email, and print. It was founded in

⁹ See, e.g., Report on the Activities of the Committee on the Judiciary of the House of Representatives: “Notice” Provision in the *Pigford v. Glickman* Consent Decree: Hearing Before Subcommittee on the Constitution, 108th Cong. 2nd Sess. 805 (2004) (statement of Jeanne C. Finegan); *Pigford v. Glickman & U.S. Dep’t of Agric.*, 185 F.R.D. 82, 102 (D. D.C. Apr. 14, 1999) (J. Finegan provided live testimony and was cross-examined before Congress in connection with a proposed consent decree settling a class action suit against the U.S. Department of Agriculture. In the court opinion that followed, the Honorable Paul L. Friedman approved the consent decree and commended the notice program, stating, “The [c]ourt concludes that class members have received more than adequate notice . . . the timing and breadth of notice of the class settlement was sufficient . . . The parties also exerted extraordinary efforts to reach class members through a massive advertising campaign in general and African American targeted publications and television stations.”)

1914 as the Audit Bureau of Circulations to bring order and transparency to the media industry. Today, more than 4,000 publishers, advertisers, agencies, and technology vendors depend on their data-driven insights, technology certification audits, and information services to transact with trust. Its leadership consists of top performers across each discipline, including directors of ad agencies, vice presidents of major national brands, and publishers of leading newspapers and magazines.

17. I also personally pioneered many “firsts” related to notice and media in the chapter 11 context, from designing and implementing the very first website in the bankruptcy context (which has since been adopted by the industry as the norm in the modern day) to being the first notice expert to include and utilize online media in complex restructuring cases.¹⁰

IV. SUMMARY OF SUPPLEMENTAL NOTICE ELEMENTS IN THE U.S.

18. The objective of the notice procedures is to successfully reach (through objective quantifiable validation measures)¹¹ and inform known and unknown claimants of the deadline and process for filing proofs of claim in these chapter 11 cases. The notice procedures being implemented here include actual, written notice to all known claimants using physical mail. These claimants will receive via first class mail the Bar Date Package, which includes (a) the Bar Date Notice and (b) the appropriate proof of claim form and instructions.

19. As actual notice may not reach all potential claimants, a supplemental notice program using various forms of media targeted to unidentified claimants is necessary. The Supplemental Notice Plan being implemented in the United States and its territories (collectively,

¹⁰ See *In re Jackson Hewitt Tax Serv. Inc., et al.*, No 11-11587 (Bankr. D. Del. 2011). The *Jackson Hewitt* notice program constituted one of the first large chapter 11 cases to incorporate online advertising, with more than 350 local newspaper and television websites, online display advertising, a website notice linked to a press release, and notice on eight major websites, including CNN and Yahoo. See also *Foster v. ABTco Siding Litig.*, No. 95-151-M (Cir. Ct. Ala. 2000) (media campaign involving broad national notice through television and print media, regional and local newspapers, and the Internet).

¹¹ See *infra* ¶ 24 for a discussion of the objective quantifiable validation measures used to develop this Supplemental Notice Plan.

the “U.S.”) utilizes the following Paid Media channels to reach unknown claimants for which Direct Notice is not available:

U.S. SUPPLEMENTAL NOTICE PLAN PAID MEDIA CHANNELS

TELEVISION	Broadcast Networks - ABC, NBC, CBS	
	Cable TV – e.g., CNN, FOX, HIST, HGTV, Galavision (Spanish Language)	
	Advanced Digital TV (OTT) – e.g., Roku, Xbox, PlayStation, Sling	
RADIO	Terrestrial Radio - Westwood One, Univision (Spanish Language)	Streaming Radio - Pandora, Spotify
PRINT	National Newspapers - WSJ, USA Today, New York Times	Local Newspapers – eleven (11) States
	Magazines – Eight (8) Nationally Distributed Titles	
ONLINE	Display - Cross Devices: Desktop, Mobile, Tablet	Search - Google and Bing
	Video – YouTube	Podcasts
SOCIAL MEDIA	Facebook/Instagram	LinkedIn
	Twitter	Influencers
OUT OF HOME (OOH)	Billboards in select markets ¹²	
	Movie Theater (e.g., AMC, Regal and Cinemark theaters) in select markets	
TERRITORY	Television	Radio
	Newspaper	Digital/Social Media
TRIBAL	Newspaper	Radio
TRADE MEDIA	Insurance Industry	Healthcare Providers
	Physicians/Nurses	Treatment/Addiction Centers
	Military	Unions
COMMUNITY OUTREACH	Tribal Leaders	Law Enforcement
	Veterans Communities	Mining Communities
	Treatment/Addiction centers	Religious Leaders
	Mobile Health Teams	Homeless Shelters/Women's Shelters
EARNED MEDIA	General Media, Specialty Beats, Bloggers	Vehicles: Press releases, Tweets
CREATIVE & MESSAGING	Multiple languages	Cultural and Demographic
	Multiple creatives per target audience	
RESPONSE HUBS	Informational website	Live operators/ languages TBD
	Toll-free telephone support	

¹² Assets will be posted in high prescription opioid distribution states.

V. THE DEBTORS' SUPPLEMENTAL NOTICE PLAN IS THOROUGH, INNOVATIVE, AND EFFECTIVE

20. Direct Mail. As set forth in the Bar Date Motion, the Debtors are proposing to serve via first class mail the Bar Date Notice and the applicable proof of claim forms to each known claimant at the claimant's address, if known, or to the attorney of record set forth in the complaints initiating the prepetition actions (or other document or correspondence notifying the Debtors of an intention to commence a prepetition action or otherwise assert a claim against the Debtors). For the Debtors, known claimants include: (i) persons or entities that have filed proofs of claim as of the Bar Date Order; (ii) all creditors and other known holders of claims (including those listed on the Debtors' Schedules); (iii) all counterparties to the Debtors' executory contracts and unexpired leases; (iv) all current parties to litigation with the Debtors; (v) current, former, and retired employees, officers, and directors; and (vi) parties known to the Debtors as having potential claims against the Debtors. Parties known to the Debtors as having potential claims against the Debtors include (i) prescribers of Purdue brand name medications; (ii) Purdue Opioid users who are included in an adverse event report or who have filed a product complaint and provided contact information; (iii) callers to Purdue who have threatened but not filed litigation and provided contact information; and (iv) entities and individuals, other than current, former, and retired employees, officers, and directors, that have requested indemnification.

21. Supplemental Notice Plan. The Debtors' Supplemental Notice Plan was designed utilizing well-researched methodologies and communication principles accepted by the advertising industry and embraced by courts in the United States for legal noticing. In formulating the Supplemental Notice Plan, we have employed the best-in-class advertising industry tools and technology to ensure that the Debtors provide due process to all constituents and comply with

Bankruptcy Rule 2002.¹³ Based on these methodologies and principles, we are able to measure and report to the Court the reach¹⁴ and frequency¹⁵ to determine the most effective noticing methods, which have been embodied in the Supplemental Notice Plan.

22. The reach and frequency contemplated by the Debtors' Supplemental Notice Plan is consistent with numerous, high-profile, high stakes bankruptcy and class action cases, including:

COMPARABLE NOTICE PROGRAMS OF SIMILAR SCOPE

Case	Reach	Frequency
<i>In re PG&E Corp.</i> , No. 19-30088	95%	8x
<i>In re Takata Airbag Prods. Liab. Litig.</i> , MDL No. 2599	95%	4x
<i>In re Oil Spill by Oil Rig Deepwater Horizon</i> , MDL No. 2179	95%	4x
<i>Cook v. Rockwell Int'l Corp. (Rocky Flats Nuclear Weapons Plant Contamination)</i> , No. 90-00181	96%	7x
<i>In re W.R. Grace Co.</i> , No. 01-01139 (Bankr. D. Del. 2006)	90%	4x
<i>Babcock & Wilcox Co. et al.</i> , No. 00-0558 (Bankr. E.D. La. 2002)	94%	4x

¹³ See Fed. R. Bank. P. 2004 (governing notice to creditors and other parties in interest).

¹⁴ Net reach in advertising refers to the total number of persons, expressed as a percentage, with at least one view of an ad, i.e., they have been exposed to the medium at least once. In net reach, each person who has at least one such impression is counted, but they are counted only once, regardless of the number of impressions served to that person.

¹⁵ Frequency is the average number of times a person has the opportunity to see a message. Net reach measures the number of people exposed (unduplicated), and frequency is a report of the number of exposures. In advertising, this is commonly referred to as a "Reach and Frequency" analysis, where "Reach" refers to the estimated percentage of the unduplicated audience exposed to the campaign, and "Frequency" refers to how many times, on average, the target audience had the opportunity to see the message. The calculations are used by advertising and communications firms worldwide and have become a critical element to help provide the basis for determining the adequacy of notice. The primary theoretical justification for effective reach and frequency is the notion of a communication threshold. That is, a certain level of exposure is needed to break into people's awareness and capture their attention to effectively reach them. While early studies suggested that the appropriate number for frequency was three, most experts now agree that the optimal average frequency level is between five (5) to ten (10) times. See, e.g., Gerard Broussard & Jim Dravillas, The "Magic of Three" Disputed, iMedia, May 25, 2005, [accessible at https://www.imediaconnection.com/articles/ported-articles/red-dot-articles/2005/may/the-magic-of-three-disputed/](https://www.imediaconnection.com/articles/ported-articles/red-dot-articles/2005/may/the-magic-of-three-disputed/); Karl Siebrecht, What is Optimal Frequency?, iMedia, Jan. 21, 2006, [accessible at https://www.imediaconnection.com/article/138044/what-is-optimal-frequency](https://www.imediaconnection.com/article/138044/what-is-optimal-frequency).

In re Air Cargo Shipping Services Antitrust, No. 06-1775 82%¹⁶ 3x

VI. THE DEBTORS' SUPPLEMENTAL NOTICE PLAN HAS BEEN METICULOUSLY CRAFTED USING PREEMINENT NOTICING STANDARDS

23. The Supplemental Notice Plan is guided by optimal frequency levels and was prepared using a refined demographic analysis, with the end result being a thoughtful and focused media selection and projected media delivery to appropriately reach the target audience of known claimants and potential claimants. The estimated cost of the Supplemental Notice Plan to be implemented in the U.S. as described herein and in the Bar Date Motion is \$23,000,000.

A. SYNDICATED MEDIA RESEARCH DATA

24. The Debtors' Supplemental Notice Plan was formulated utilizing syndicated media research data provided by GfK Mediamark Research and Intelligence LLC ("MRI") in its GfK MRI Doublebase 2018,¹⁷ online measurement currency comScore,¹⁸ A.C. Nielsen,¹⁹

¹⁶ Average estimated reach and frequency of Business/Cargo purchasers in all 15 tier-one countries.

¹⁷ GfK MRI is a nationally syndicated research tool. It is the leading supplier of multi-media audience research, and provides comprehensive reports on demographic, lifestyle, product usage, and media exposure. MRI conducts more than 26,000 personal interviews annually to gather their information and is used by more than 450 advertising agencies as the basis for the majority of media and marketing campaigns. *See generally* <https://mri.gfk.com>.

¹⁸ comScore (U.S. and Canada) is a global Internet information provider on which leading companies and advertising agencies rely on for consumer behavior insight and Internet usage data. comScore maintains a proprietary database of more than 2 million consumers who have given comScore permission to monitor their browsing and transaction behavior, including online and offline purchasing. This data includes and fuses first-party (website data), second-party (data shared by websites for marketing purposes), and third-party data, tied to offline purchasing behavior. *See generally* <https://www.comscore.com/>.

¹⁹ The Nielsen Corporation measures and monitors television and radio audiences and media delivery. The company measures programming and advertising across all distribution points, including, among others, network television and radio. Nielsen's ratings are used by advertisers and networks to shape the buying and selling of advertising. *See generally* <https://www.nielsen.com/>.

Kantar/Standard Rate and Data Service (“SRDS”),²⁰ Telmar,²¹ Strata,²² Vividata²³ and Cision,²⁴ among others, which provide data on media consumption habits and audience delivery verification of the potentially affected population. These data resources are used by advertising agencies nationwide as the basis to select the most appropriate media to reach specific target audiences.

25. The research reports prepared by these sources were instrumental in our selection of media channels and outlets and determination of the estimated net audience reached through the Debtors’ Supplemental Notice Plan. Specifically, this research identifies which media channels are favored by the target audience (i.e., the potential claimants) by considering browsing behaviors on the internet, the use of social media channels, magazine readership, and television program viewers.

26. These tools allow us to create target audience characteristics or segments, and then select the most appropriate media communication methods to best reach them. As a result, the Debtors are applying the most sophisticated and modern media-relevant approach to audience targeting, similar to that used by large brands to select the most appropriate digital and social media platforms to communicate with customers and market products.

²⁰ SRDS is the leading database providing rates and contact data for magazines, digital media, newspapers, television, direct marketing, and out-of-home media. *See generally* <https://next.srds.com/home>.

²¹ Telmar Group, Inc. analyzes thousands of consumer and media data sets to assess target markets for media performance and to calculate audience reach and frequency. *See generally* <https://www.telmar.com/about-us/>.

²² Freewheel’s media buying platform Strata combines targeting and measurement for digital and television inventory. *See generally* <https://www.freewheel.com/technology-for-agencies/>.

²³ Vividata is a Toronto, Canada based research company that provides impact and marketing data on print media readership in Canada. *See generally* <https://vividata.ca>.

²⁴ Cision is a public relations and earned media software company and services provider that provides monitoring services for news mentions, social media discussions, and analysis of media coverage. *See generally* <https://www.cision.com/us/>.

B. POPULATION/EPIDEMIOLOGICAL RESEARCH

27. Importantly, in addition to the media research data, my team and I studied various data sources to ensure that the Debtors' Supplemental Notice Plan is appropriately targeted and optimized. These sources include: the U.S. Census Bureau, the Centers for Disease Control (CDC) and Prevention, the U.S. Department of Health and Human Services (HHS) including the Substance Abuse and Mental Health Services Administration (SAMHSA), and the National Institutes of Health (NIH), including the National Institute on Drug Abuse (NIDA). We also reviewed reporting from the Drug Enforcement Administration (DEA) and Public Health Agency Data of Canada.

28. These data cumulatively provide information covering the period from 2006-2017, including at a national, regional, state, and county level and regarding both medical and non-medical use of opioids. They also reflect varying levels of prescription opioid misuse or abuse across different regions, as well as population demographics (including age, gender, ethnicity, and race). In addition, they indicate an association between socio-economic disadvantages (as measured by variables including education, employment, and income levels) and misuse and abuse of prescription opioids.

29. Analysis of these data provides the foundation for the scope and media selection to be utilized in the Supplemental Notice Plan.

C. APPLICATION OF FINDINGS

30. The Debtors acknowledge that prescription opioids, including opioids manufactured by the Debtors, have been prescribed and used nationally, across all regions of the country, and across all socio-economic groups and age demographics. Consequently, quantifying the media delivery against all U.S. adults eighteen (18) years of age and older is central to the

effectiveness of media selection for notice in these chapter 11 cases.²⁵ Additionally, because consumers have significant variations in media use across the age clusters, specific consideration has been given to media performance within certain age clusters.²⁶

31. Demographics: The Debtors are casting a wide net nationwide, reaching all adults who are eighteen (18) years of age and older, while making thoughtful decisions in media selection based on three demographic clusters: 18-24, 25-44, and 45 and over. The purpose of this division is to recognize that media use changes with age, income, and education levels.

²⁵ In its Opioid Rx Awareness Campaign, the CDC identified a core, target audience of all adults ages 25-54 for its opioid prevention messaging. Other research reports that younger age groups may be exposed to opioids for reasons other than chronic pain such as sports injury or dental procedures. The flyer, titled “CDC Rx Awareness Campaign Overview,” associated with the CDC’s campaign is accessible at <https://www.cdc.gov/rxawareness/pdf/RxAwareness-Campaign-Overview-508.pdf> (“CDC’s *Rx Awareness* campaign focuses on adults ages 25-54 who have taken opioids at least once for medical or nonmedical use.”). Because the Debtors’ opioid medicines have been FDA-approved for use in all adults 18 years and older and because data sources reflect both medical and non-medical use in persons younger than 24, we are incorporating a broader population of adults eighteen (18) years of age and older to include all groups potentially exposed. While the notice campaign does not directly target persons under the age of eighteen that population will nevertheless be exposed to the notice provided under this plan, as will their parents.

²⁶ MRI’s *Survey of the American Consumer*® (Gfk Mediamark Research and Intelligence LLC Doublebase 2018) is the industry standard for magazine audience ratings in the U.S. and is used in the majority of media and marketing agencies in the country. MRI provides comprehensive reports on demographics, lifestyle, product usages, and media exposure. See generally <https://mri.gfk.com/solutions/the-survey-of-the-american-consumerr/the-survey-of-the-american-consumerr/>.

MEDIA USE BY AGE GROUP

Medium	Age 18 – 24	Age 25 – 44	Age 45+
TRADITIONAL MEDIA			
Read Newspapers			√√√
Broadcast Television	√	√√√	√√√
Cable Television	√	√√	√√√
Read Magazines	√	√√	√√√
Listen to Terrestrial Radio	√√√	√√√	√√
NEW MEDIA			
Use the Internet	√√√	√√√	√
Use a Mobile Device/App	√√√	√√√	√
Social Networking	√√√	√√√	√
Watch Online/Steaming Video	√√√	√√√	
Use OTT Devices	√√	√√√	
Use Streaming Radio	√√	√√	

32. Based on media use data, it is clear that the Debtors’ Supplemental Notice Plan is appropriately employing a mix of traditional, online, social and mobile media channels, and earned media outreach, to effectively reach claimants of all age demographics and ethnicities who have been prescribed or otherwise used opioids.

33. Further, the Supplemental Notice Plan includes noticing efforts aimed at demographic groups whom the data indicate have experienced higher rates of prescription opioid misuse and abuse.

34. **Geography:** In addition to the need for a nationwide notice plan, data reflects – and the Supplemental Notice Plan takes into account – regional differences in opioid misuse and abuse.

35. Based on the combined research described above, the Debtors' Supplemental Notice Plan includes increased media efforts in 17 states²⁷ through hyper-local channels, including out of home advertising and local newspaper advertising.

NEWSPAPER, MOVIE THEATERS & BILLBOARDS	
West Virginia	Tennessee
Kentucky	Alabama
NEWSPAPER & MOVIE THEATERS	
Arkansas	Ohio
Mississippi	New Hampshire
Oklahoma	Pennsylvania
Louisiana	
SELECT MOVIE THEATERS	
Nevada	Utah
Oregon	New Mexico
Washington	California

36. **Language:** The Supplemental Notice Plan also takes into consideration media targeted at specific ethnic populations and will include consideration for populations across the nation with notice primarily in English and Spanish. According to MRI, approximately ninety (90) percent of U.S. adults speak English most often at home and nine (9) percent speak Spanish most often at home. When looking at the highest-affected opioid states, over ninety-five (95) percent

²⁷ The use of hyper-local media is guided by CDC data identifying states and counties with the highest prescription opioid distribution. The four states with the highest prescription opioid distribution rates are West Virginia, Kentucky, Alabama, and Tennessee. As a result, the Supplemental Notice Plan contemplates a greater use of local newspapers and out of home advertising including billboards and theaters as compared to other states. The next highest prescription opioid distribution rates arise in Arkansas, Louisiana, Mississippi, New Hampshire, Ohio, Oklahoma, and Pennsylvania. The Supplemental Notice Plan will utilize newspapers and theater out of home advertising in the counties with the highest prescription opioid distribution. The third highest prescription opioid distribution rates occur in California, Nevada, New Mexico, Oregon, Utah and Washington. In these states, theater out of home advertising will be employed in the counties with the highest prescription opioid distribution.

of adults in West Virginia primarily speak English at home, nearly 100 percent in Tennessee, ninety-nine (99) percent in Kentucky and nearly 100 percent in Alabama. Media may run in additional languages as required by the editorial of selected publications.

VII. PAID MEDIA CHANNELS

37. To achieve the optimal reach and frequency, the Supplemental Notice Plan contemplates the use of five categories of paid media outlets²⁸: (i) television, (ii) radio, (iii) out of home, (iv) print, (v) social media, and (vi) online:

PAID MEDIA SCOPE	
MEDIA CHANNEL	IMPRESSIONS
BROADCAST TV	525,000,000
CABLE TV	245,000,000
RADIO (NETWORK)	210,000,000
DISPLAY	200,000,000
SOCIAL	585,000,000
MAGAZINES	120,000,000
NEWSPAPERS	4,000,000
OUT OF HOME	44,000,000

A. TELEVISION

38. **Network Broadcast Television.** According to A.C. Nielsen's National Television Household Universe Estimates, there are 120 million TV homes in the U.S. for the 2019-2020 TV

²⁸ Actual media selections, including newspapers, radio stations, magazines, and trade publications, may vary based on availability and negotiations at the time of media buy.

season.²⁹ The broadcast networks capture a majority of these homes, with over 82 percent of homes watching CBS, 79 percent watching ABC, and 74 percent watching NBC.³⁰

39. The Supplemental Notice Plan contemplates :30-second commercials that will air across ABC, NBC, and CBS networks. The commercials will air across multiple dayparts,³¹ including early morning, daytime, early news, fringe, prime, and late-night, to reach potential Opioid Claimants with differing viewing habits. An estimated total of approximately 41,000 network television commercials are planned to air. The specific programs selected are based on research provided by A.C. Nielsen for their reach among the target audiences described above.

40. **Cable and OTT.** Commercials also will air across multiple nationwide cable television networks, including CNN, Fox News, History, HGTV, and Galavision (Spanish). See **Exhibit B** hereto for a list of the proposed national cable channels, which have the broadest reach among the U.S. cable viewing population. An estimated total of approximately 82,000 cable television commercials are planned to air. The Debtors' Supplemental Notice Plan will also use digital Over the Top Television ("**OTT**") video ads.³²

²⁹ See *2019-2020 Advance National TV Household Universe Estimates*, the Nielsen Company, May 7, 2019, accessible at <https://www.truthindata.tv/sites/default/files/2019-05/2019-2020%2BNielsen%2BAdvance%2BNational%2BTV%2BUniverse%2BEstimates%2BPresentation.pdf>.

³⁰ See *Broadcast TV Maintains Media Dominance*, MediaPost, May 18, 2017, accessible at <https://www.mediapost.com/publications/article/301434/broadcast-tv-maintains-media-dominance.html>.

³¹ A "daypart" is a term traditionally used when buying television but is also used for radio. It is a block of time that divides the day into segments for purchase, scheduling, and delivery. The dayparting method is often used to tailor content to specific audiences throughout the day, e.g., early morning is 5 a.m. to 9 a.m.; daytime is 9 a.m. to 4 p.m.; early fringe is 4 p.m. to 6 p.m.; evening news is 6 p.m. to 7 p.m.; prime time is 8 p.m. to 10 p.m. and late is 11:30 p.m. to 2 a.m.

³² "Over the Top Television" refers to film and television content provided via a high-speed Internet connection rather than a cable or satellite provider. Viewers are often referred to as "cord-cutters." OTT encompasses services such as Netflix, Amazon, iTunes, and HBO Now.

B. RADIO

41. Network radio is highly useful for reaching the target of the Supplemental Notice Plan. According to Nielsen Audio, an average of ninety-two (92) percent of all U.S. radio listeners eighteen (18) years of age and older tune into a network-affiliated radio station every week.³³ Radio can provide nationwide reach across various listening formats to appropriately reach discrete target audience subgroups across age, gender, ethnicity, and cultural affiliation. There are two primary formats of radio—terrestrial and streaming. Here, a combination of both terrestrial radio and streaming radio will be employed through national radio networks.³⁴ The terrestrial radio networks are carried by local radio stations throughout the country. The Westwood One Radio Network reaches 209 U.S. media markets through 425 owned-and-operated³⁵ radio stations and more than 4,000 affiliate stations. Univision Radio is the top Hispanic radio network, carried in 74 markets through 226 stations. Each radio network carries a variety of radio formats, e.g., Country, Adult Contemporary, Spanish, Native American, Rhythm, Hip-hop, etc.

42. **Terrestrial Radio.** Terrestrial radio is a highly effective medium to amplify target audience reach and to generate frequency of message delivery. Typically, terrestrial radio time will be purchased in :30-second or :60-second increments. While television combines two forms of communication, audio and video—which allows more information to be conveyed in a shorter

³³ See *Audio Today 2018 – A Focus on Network Radio*, at 2, the Nielsen Company, June 2018, *accessible at* <https://www.nielsen.com/wp-content/uploads/sites/3/2019/04/audio-today-a-focus-on-network-radio.pdf>.

³⁴ A radio broadcasting network is a collection of radio stations that air programming from a unified source. Radio networks may have nationwide reach and include multiple, various formats including Country, Adult Contemporary, Rock, Rhythm, News/Talk, and Oldies, among others. Under Federal Communication Commission (“FCC”) rules, between twelve (12) to eighteen (18) minutes of advertising inventory may be sold each hour. That inventory is allocated into either local commercial time or national commercial time. Local commercials are inserted independently by each station. National commercials air across the entire network collection.

³⁵ In the broadcasting industry, an “owned-and-operated” station usually refers to a television or radio station that is owned by the network with which it is associated. This distinguishes such a station from an affiliate, which is independently owned and carries network programming by contract.

amount of time—radio utilizes only audio and requires more time to convey detailed information. Therefore, we are planning to primarily use :60-second commercials for radio.

43. The Supplemental Notice Plan contemplates that the audio ads will air on English and Spanish radio stations carefully selected using Nielsen Audio ranker reports identifying the stations with the most significant reach and popular formats against the Supplemental Notice Plan’s target audience. Approximately 146,000 terrestrial radio commercials will air. Attached as **Exhibit B** is a summary of radio networks.

44. In addition to the above, in view of the research showing heightened opioid use among Native Americans, we will air ads on Native Voice One (“NV1”). NV1 distributed programs are carried by over 180 affiliates, from reservation and village-based stations to top-market urban radio stations throughout the United States and Canada. NV1 also offers a twenty-four-hour webstream with access to unique programming with an Indigenous perspective.³⁶

45. **Streaming Radio.** Streaming audio ads (digital radio played via an internet connection) will run on Pandora and/or Spotify with :15-second or :30-second ads³⁷ accompanied, commonly, by a digital banner ad. The digital banner ads will appear while the audio spot is playing and allow a user to click on the banner and be directed to the dedicated case website. Approximately 15 million streaming audio impressions are planned.

C. SOCIAL MEDIA

46. Numerous research studies report that young adults are some of the largest abusers of prescription opioids.³⁸ The age group with the greatest past-year non-medical use of opioids is

³⁶ See Native Voice One, Native American Radio Network, *accessible at* <https://www.nv1.org/about/>

³⁷ Streaming radio ads are only offered in :15 and :30-second intervals.

³⁸ In 2014, the nonmedical use of prescription drugs was highest among young adults. Last year, nonmedical use of regulated drugs by age group was as follows: (i) six (6) percent of persons age twelve (12) to seventeen (17); (ii) twelve (12) percent of persons age eighteen (18) to twenty-five (25); and (iii) five (5) percent of persons age twenty-

young adults aged eighteen (18) to twenty-five (25), yet the greatest use (i.e., exposure) of prescription opioids is among adults aged twenty-six (26) and older.³⁹

47. Social media is particularly useful in reaching younger audiences. According to MRI, ninety-six (96) percent of adults aged eighteen (18) to twenty-four (24) and ninety-two (92) percent of adults aged twenty-five (25) to forty-four (44) use social media.⁴⁰ The Debtor's Supplemental Notice Plan is estimated to serve over 600 million impressions on Facebook, Instagram, Twitter, LinkedIn, and YouTube. Over 9,000 audience targeting resources have been identified in the following categories:

Homeless Organizations

210 Pages & Groups

Recovery Rehabilitation

395 Pages, Groups & Profiles

Treatment Programs

366 Pages, Groups & Profiles

Native American Related

506 Pages & Groups

Pharmacy

3,227 Pages & Location Pages

Coal Miners

298 Pages & Groups

Veterans

2,092 Pages & Groups

Medical Doctor

527 Pages, Groups & Profiles

Hispanic

506 Pages & Groups

Awareness

977 Pages, Groups & Profiles

48. Facebook and Instagram Pages are public profiles created for community groups, causes, and other organizations. Facebook Groups are for people who share common interests. On Facebook and Instagram, we will serve ads to people nationwide with varying creative tactics aimed to appeal to different demographics. We will also target fans of specialized pages and

six (26) and older. *See Abuse of Prescription (Rx) Drugs Affects Young Adults Most*, National Institute on Drug Abuse, Feb. 2016, *accessible at* <https://www.drugabuse.gov/related-topics/trends-statistics/infographics/abuse-prescription-rx-drugs-affects-young-adults-most>.

³⁹ *See Pain Management and the Opioid Epidemic: Balancing Societal and Individual Benefits and Risks of Prescription Opioid Use*, National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Board on Health Sciences Policy; Committee on Pain Management and Regulatory Strategies to Address Prescription Opioid Abuse, Jul. 13, 2017, *accessible at* <https://www.ncbi.nlm.nih.gov/books/NBK458661/>.

⁴⁰ *See* GfK Mediamark Research and Intelligence LLC 2018 Doublebase Survey.

groups that relate to opioid abuse such as addiction centers, recovery groups, specialized doctors, and national organizations.

FACEBOOK TARGETING - EXAMPLE RESOURCES

Type	Resources	Fans
Facebook Page	Ryan Hampton	132,818
Facebook Group	Voices to End Addiction & Inspire Recovery	13,725
Facebook Page	A Forever Recovery Drug Rehab Center	34,974
Facebook Page	Above the Influence	1,469,407
Facebook Page	Addiction Recovery Support	2,979
Facebook Group	Addiction Recovery Support Group	78,947
Facebook Page	Alcohol and Drug Addiction Recovery	14,303
Facebook Page	Beating Addiction	21,719
Facebook Page	Breaking Free from Addiction	23,057
Facebook Page	Daily Recovery quotes	25,877
Facebook Page	Dr. Mehmet Oz	5,982,866
Facebook Page	Dr. Phil	4,706,095
Facebook Page	Elite Rehab Placement	52,570
Facebook Page	Faces & Voices of Recovery	26,577
Facebook Page	Hugs Not Drugs	1,566,979
Facebook Group	Narcotics Anonymous Recovery Forum	104,612
Facebook Group	Narcotics Anonymous Recovery Group	73,163
Facebook Page	National Institute of Mental Health	290,939
Facebook Page	Opens Hearts Project for Opioid Awareness	490
Facebook Page	Partnership for Drug-Free Kids	47,349
Facebook Page	Recovery and Addiction	24,094
Facebook Page	Recovery Month	52,472
Facebook Page	Recovery Road	165,063
Facebook Page	Recovery Support Network	922
Facebook Page	Recovery Unplugged	99,549
Facebook Page	Recovery Ways	6,458
Facebook Page	Rehab Center	63,238
Facebook Page	Renew Magazine	6,608
Facebook Page	SAMHSA	89,789
Facebook Page	Steps to Recovery	83,964
Facebook Page	The Academy for Addiction Professionals	3,533
Facebook Page	The Addict's Mom Public Page	98,320
Facebook Page	The Crisis Next Door	5,197
Facebook Page	The Doctor's Channel	98,168
Facebook Page	The Fix	127,558

Facebook Page	The National Institute on Drug Abuse – NIDA	139,234
Facebook Page	United Recovery Project	27,292
Facebook Page	Wavelengths Recovery	6,120

49. On Twitter, we will target people who have “tweeted” (i.e., posted) about opioid addiction by using hashtags including, among others, *#recoverymovement*, *#PurduePharma*, *#opioids*, *#opioidcrisis*, *#abuse*, *#rehab*, *#recovery*, *#pain*, *#addictiontreatment*, *#oxycontin*, *#butrans*, and *#hysingla*, among others.⁴¹ Twitter users put hashtags in their tweets to categorize them in a way that makes it easy for other users to find and follow tweets about a specific topic. We will also target followers of pages that relate to opioids such as addiction centers, recovery groups, specialized doctors, and national organizations. A sample list of resources is below:

TWITTER TARGETING - EXAMPLE RESOURCES

Type	Resources	Fans
Twitter Profile	Above the Influence	1,266
Twitter Profile	Allied Against Opioid Abuse	1,479
Twitter Profile	American Medical Association (AMA)	684,195
Twitter Profile	CDC	1,243,219
Twitter Profile	Doctors Channel	9,982
Twitter Profile	Dr. Mehmet Oz	1,400,200
Twitter Profile	Dr. Phil	1,500,000
Twitter Profile	Faculty of Medicine	21,100
Twitter Profile	FDA	252,491
Twitter Profile	Health Care Gov	228,189
Twitter Profile	National Institute of Mental Health	1,200,000
Twitter Profile	Purdue Pharma L.P.	2,736
Twitter Profile	The National Institute on Drug Abuse – NIDA	48,100

⁴¹Additional hashtags likely will be used during the course of the Supplemental Notice Plan.

Twitter Profile	The United States Department of Justice	1,623,039
Twitter Profile	U.S. Department of Health and Human Services	773,494
Twitter Profile	World Health Organization (WHO)	4,929,384

50. LinkedIn is a social network for professionals. Here, we plan to target individuals that work in the field of addiction treatment, medical professionals, nurses, homeless shelters, and more.

D. ONLINE NOTICE (NON-SOCIAL MEDIA)

51. While traditional media⁴² is typically purchased based on both demographic (i.e., age, gender, ethnicity, income, education) and psychographic (i.e., lifestyle, product and brand preference, media usage, and media definition) characteristics, online media such as Internet and mobile may be purchased through more granular target audience characteristics.

52. **Banner Ads.** The Supplemental Notice Plan's online noticing efforts will feature banner ads in English and Spanish using a variety of tactics to ensure quality placements. Varying creative styles will be used to appeal to people of different demographics based on research data relating to online usage by the Supplemental Notice Plan's target audience. We will run ads across a whitelist⁴³ of comScore top-rated websites, national and local news websites, Spanish language sites, and numerous others, and we will retarget users who visit the website with additional notice reminders to take action.

⁴² Traditional media is a reference to pre-internet media: magazine, newspaper, terrestrial radio, and broadcast and cable television.

⁴³ A whitelist is a custom list of acceptable websites where ad content may be served. This way we can control the quality of advertising inventory that is served on the creditors. The creation of a whitelist helps to ensure that our ads are targeted to real websites where actual (human) creditors are likely to visit, rather than serving ads to websites and fraudsters who are attempting to fraudulently earn advertising revenue from the campaign, and thereby depriving actual creditors of their due process rights to see the Notice. Further, the whitelist helps to ensure that ads will not appear next to offensive or objectionable content. Our whitelist is actively maintained during the campaign with site-level reporting of brand safety, which allows culling of improper or suspicious activity on websites. Further, as a measure of privacy, all ads feature AdChoices Icons whenever available.

53. Moreover, online display ads will be aired across multiple devices including desktop, tablet, and mobile devices. Multiple layers of ad fraud detection are used to reduce the risk of appearing on spoofed, fake, or offensive websites with counterfeit ad fraud inventory and fake audience profiles.

54. The online ads will provide information for visitors to self-identify as potential Opioid Claimants, where they may “click” on the banner and then link directly to a website containing information regarding the Bar Date and submission of proofs of claim with a further link to the Case Website for more information regarding the important deadlines and documents, including downloadable copies of the Opioid Proof of Claim Forms, and where they may submit their completed forms.

55. In addition to the above-targeted banner placement, online banner ads will run on Native American and Alaskan Native focused websites, where available. For instance, Powwows.com reaches Native American consumers, researchers, teachers, students, service groups, and civic organizers. Powwows.com has an online reach of over 471,000 users monthly and is the nation’s leading media resource for Native Americans. Powwow’s Native American social media pages have also become a highly interactive platform for sharing and celebrating Native American culture. The Facebook page has over 427,000 Fans, the Instagram page has over 26,500 users, and the Twitter page has 6,656 users that we will target with this campaign.

56. **Internet Search Terms.** The Supplemental Notice Plan will employ both Google and Bing keyword search terms. According to MRI Doublebase 2018, ninety-one (91) percent of search engine users have used Google or Bing in any 30-day period.⁴⁴ When users search for target phrases and keywords identified for this Supplemental Notice Plan on the search engines, links

⁴⁴ See GfK Mediamark Research and Intelligence LLC 2018 Doublebase Survey.

will appear on the search result pages. Representative key terms will include but are not limited to topics including Purdue Pharma bankruptcy, opioids, drug treatment, drug overdose, drug addiction, addiction therapy, treatment centers, among others.

57. **YouTube Video.** According to Statista, ninety-six (96) percent of eighteen (18) to twenty-four (24)-year-old American internet users use YouTube, reaching more people in that age demographic than any TV network.⁴⁵ Therefore, the Debtors' Supplemental Notice Plan will target this audience by, among other things, posting video ads on this platform.

E. PRINT – MAGAZINE NATIONWIDE

58. MRI reports that almost 71 percent of the U.S. population over the age of eighteen (18) reads magazines. Magazine notice (ads) will contain no more than 650 words and will be written as a summary of the Bar Date Notice in plain and concise English, with a Spanish sub-headline to direct Spanish-speaking claimants to the website for more information in Spanish. The magazines to be used in the Supplemental Notice Plan were selected based on MRI data reporting their reach against these target audiences. Importantly, they were also selected for their index,⁴⁶ or the qualitative measure indicating that readers are highly engaged with these titles.

59. The magazine notices will be published in eight (8) magazines as follows:

- ***People Magazine*** is a general circulation magazine reporting on entertainment. A plain language summary notice will be published once as a one-half page ad in the national edition of this magazine. *People Magazine* reports a circulation of 3,031,000.

⁴⁵ See Paige Cooper, 22 *YouTube Stats that Matter to Marketers in 2019*, Hootsuite (Jan. 22, 2019), <https://blog.hootsuite.com/youtube-stats-marketers/>.

⁴⁶ An index is a media metric that describes a target audience's inclination to use a given outlet. An index over 100 suggests a target population's inclination to use a medium to a greater degree than the rest of the population. For example, an index of 157 would mean that the target is fifty-seven (57) percent more likely than the rest of the population to use a medium.

- ***Sports Illustrated*** reports on the world of sports through in-depth articles, photography, and stories. A plain language summary notice will be published once as a one-half page ad in this magazine. *Sports Illustrated*'s circulation is 2,715,000.
- ***People En Espanol*** delivers celebrity access, beauty, and fashion coverage and human-interest stories that celebrate Hispanic culture. A plain language summary notice will be published once as a one-half page ad in the national edition of this magazine. *People En Espanol* reports a circulation of 507,000.
- ***National Geographic*** is the flagship magazine of the National Geographic Society. Editorial coverages encompass people and places of the world, with an emphasis on human involvement in a changing universe. A plain language summary notice will be published once as a one-full page ad in the national edition of this magazine. *National Geographic*'s circulation is 2,252,000.
- ***Men's Health*** is a lifestyle magazine that aims to show men the practical and positive actions that make their lives better. A plain language summary notice will be published once as a one-half page ad in the national edition of this magazine. *Men's Health* reports a circulation of 1,731,000.
- ***Good Housekeeping*** focuses on food, fashion, relationships, home decorating and home care, health and childcare, and consumer and social issues. A plain language summary notice will be published once as a one-half page ad in the national edition of this magazine. *Good Housekeeping* reports a circulation of 4,101,000.
- ***Parents*** helps parents navigate parenting and make decisions for their families. A plain language summary notice will be published once as a one-half page ad in the national edition of this magazine. *Parents* reports a circulation of 2,216,000.
- ***Parents Latina*** covers topics of interest to parents, such as health, education, and nutrition, from a Latino perspective. A plain language summary notice will be published once as a one-half page ad in the national edition of this magazine. *Parents Latina* reports a circulation of 850,000.

60. In addition to the eight (8) magazines identified above, trade magazines will be used to notify people in select industries who interact with affected populations. A total of fifteen (15) industry specific trade magazines have been selected in associated industries such as Health Insurance Industry, Physician/Nurses, Military, Addiction Abuse Treatment Centers/Pain

Management, and Coal Mining. A plain and concise summary notice of no more than 650 words will be published one time as a full-page ad in each of the following publications:

SELECTED TRADE PUBLICATIONS

TRADE PUBLICATION	DESCRIPTION	CIRCULATION
<i>Modern Healthcare</i>	The only weekly magazine that covers the latest in national and local healthcare news. Circulation in hospitals, medical clinics, payers, nursing homes, and hospices	71,444
<i>JAMA (Journal of the American Medical Association)</i>	Peer-reviewed medical journal published 48 times/year. Received by physicians in 222 specialties	286,953
<i>American Nurse Today</i>	The official journal of the American Nurses Association. Published 10 times/year	102,000
<i>Nurse practitioner</i>	Monthly source of information for practice nurses and other primary care clinicians	75,000
<i>Journal of American Academy of Physicians Assistants</i>	Official monthly award-winning journal of the American Academy of Pas	62,500
<i>Military Times</i>	Military Times is a print and digital publication consisting of Army Times, Navy Times, Air Force Times, and Marine Corps Times. It is a source for military news and information for service members.	203,727
<i>Army Magazine</i>	Monthly Magazine of the Association of the United States Army	100,000
<i>Counselor</i>	The Magazine for Addiction & Behavioral Health Professionals. Published 6 times/year	23,120
<i>Journal of Pain and Symptoms Management</i>	Monthly publication with readership among pain and palliative care professionals	17,703
<i>Pain Medicine News</i>	The most widely read trade pain publication in the US. Published 10 times/year	46,760
<i>Advances in Addiction and Recovery</i>	Quarterly publication of NAADAC. Provides information and trends to addiction counselors, educators, and other addiction focused professionals	19,339
<i>Journal of Addiction Medicine</i>	The official journal of the American Society of Addiction Medicine. Published 6 times/year	15,242
<i>Journal of Opioid Management</i>	A peer-reviewed journal that deals with opioids as a class of drug. Covering basic science, research, clinical applications, pain management, abuse and compliance.	23,300

<i>Social Work Today</i>	ACA's monthly magazine, which covers hard news, in depth coverage of major issues, and information about new products and services related to counseling. Including legislative and governmental issues affecting counselors.	54,000
<i>Coal Age</i>	The magazine for professionals in the coal mining and processing industries.	14,599

F. NEWSPAPERS

61. **National Newspapers.** The Supplemental Notice Plan will include three (3) nationally circulated newspapers. The full Bar Date Notice will be published one time in the largest nationally circulated newspapers: *USA Today*, *The Wall Street Journal*, and *The New York Times* as follows:

- *The Wall Street Journal*. The full Bar Date Notice will be published once in the *Wall Street Journal's* national edition. *The Wall Street Journal's* circulation is 1,005,000.
- *USA Today*. The full Bar Date Notice will be published once in *USA Today*. *USA Today's* circulation is 1,541,000.
- *The New York Times*. The full Bar Date Notice will be published once in *The New York Times* national edition. *The New York Times* circulation is 507,000.

62. **Local Newspapers.** A summary of the Bar Date Notice will be published in approximately 80 local newspapers in eleven (11) states, which papers and states have been chosen based on the demographic and geographic research discussed above. The summary Bar Date Notice will be an abbreviated, plain language version of the full Bar Date Notice published in the nationally distributed newspapers. It will be approximately 650 words in length and written in plain and concise language. Attached as **Exhibit C** is a list of the local newspapers in which the summary notices will be published.

63. Further, as discussed above, research shows concentrated use of opioids among the Native American population. For this reason, numerous local print publications such as

newspapers as well as nationally circulated titles will be used to reach Native American populations. A list of the Native American newspapers to be used in the Supplemental Notice Plan is included as **Exhibit D**.

G. OUT OF HOME (HYPER-LOCAL)

64. **Billboards.** Out of home advertising such as billboards are a hyper-localized form of advertising. Only people within visual proximity and who are physically at those locations are able to see these advertisements. Billboards deliver maximum exposure to traffic on expressways, highways, and primary arteries and are highly visible due to their large size. Digital billboards are electronic displays that rotate in a slide show fashion every six (6) to eight (8) seconds and are located on highways, major arteries, and city streets. A minimum of sixty (60) static and digital billboards will be posted along major interstates, highways, and other highly traveled areas for at least four (4) weeks in the highest opioid-affected states of West Virginia, Kentucky, Tennessee, and Alabama to ensure multiple opportunities for exposure.

65. **Movie Theater.** In addition to billboards, :30-second video ads will run in movie theaters for at least four (4) weeks during the previews of films in over 300 AMC, Cinemark, and Regal movie theaters across the seventeen (17) states identified above as having relatively greater levels of opioid use. Cinema ads typically receive higher recall scores than other traditional media as they are played in an unskippable format to a captive audience on giant, hard-to-miss screens. Nielsen reports pre-show cinema ads have a recall of seventy-six (76) percent.⁴⁷ In certain states with specific pockets of opioid-affected areas, ads will run in movie theaters in those areas rather than statewide.⁴⁸

⁴⁷ See NCM Intercept Tests (Jan '13-Jan '16) Nielsen, Market Force, eWorks.

⁴⁸ Ads will run in movie theaters in certain counties within (Northern) California, Oregon, Nevada, Washington, Utah, and New Mexico.

H. OUTREACH

66. **U.S. Territories Outreach.** The Supplemental Notice Plan also includes outreach in the U.S. Territories of Guam, U.S. Virgin Islands, Marianas, American Samoa, and Puerto Rico. Notice in the territories will include a combination of local newspaper, digital outreach, and television and radio (where available). Additionally, press releases will be distributed to news outlets (broadcast, newspaper, and radio stations) in the territories. A list of the territorial news media is included as **Exhibit E**.

67. **Additional Outreach.** In addition to the media outlets described above, the Supplemental Notice Plan employs public relations, dedicated websites, and toll-free numbers, each of which are thoughtfully designed to achieve the greatest reach among the target audiences.

I. PUBLIC RELATIONS

68. **Earned Media.** The Debtors will issue multiple press releases across various newlines. These include PR Newswire, US1 plus Hispanic, PR Newswire newlines to the U.S. Territories, and the Native American/First Nations newline.

69. **Media Outreach.** To supplement press release distribution, we will directly contact a strategically developed comprehensive list of media outlets, reporters, and editors. Media outlets range from national broadcast networks, cable networks, radio networks, national and local publications, blogs, online outlets, among others. In addition, we will directly contact reporters who have shown an interest in the opioid crisis, opioid litigation, substance abuse, and similar topics. The list has over 1,900 outlets and contacts. A summary of the number of contacts by category is available as **Exhibit F**.

70. **Community Outreach.** The Supplemental Notice Plan includes outreach to third-party organizations that may help expand awareness of the Bar Date and claims process. We will

send a one-page notice to appropriate contacts to post or provide the notice to their members, patients, or customers. The 8.5 x 11 notice will be printed in full-color on the front and back, and will describe in plain-language how claimants can file a proof of claim and where they may obtain additional information about the Bar Date.

71. Further, we plan to take a boots-on-the-ground approach to enhance the notice of the Bar Date, by attending various community events. At these events, information including the summary notice, full bar date notice and other materials will be made available to attendees.

72. A sample of the organizations include, among numerous others:

ORGANIZATIONS
Community Leaders
Veteran's Organizations
Mining Organizations and Trade Unions
Health and Addiction Centers
Mobile Health Teams in 14 states
Addition/Rehab Centers, including among others: Alcoholics Anonymous, Narcotics Anonymous and SMART Recovery
Pharmacies and Institutions that received Purdue Opioids

73. The community outreach element of the Debtors' plan will also include distribution of the one-page notice to all prescribers of Purdue brand name medications, to be posted or provided to their patients.

74. **Influencers.** In addition to the efforts detailed above, we will engage the help of influencers to post and share information about the Bar Date on their social media platforms such as Instagram, Facebook and Twitter as well as on popular podcasts and blogs. We also will identify key influencers who have been personally affected, either directly or indirectly, by opioid misuse and abuse and encourage them to post appropriate content related to the matter.

VIII. CANADIAN SUPPLEMENTAL NOTICING EFFORTS

75. The Debtors' Supplemental Notice Plan will implement a robust outreach effort in Canada with an estimated reach of over eighty (80) percent of the population over the age of eighteen (18), or approximately 23.4 million people out of the total Canadian adult population of approximately twenty-nine (29) million, with an estimated frequency of three (3) times. The estimated cost of the Supplemental Notice Plan in Canada as described herein and in the Bar Date Motion is \$750,000.

76. Consistent with the research conducted relating to U.S. prescription opioid use, Prime Clerk also reviewed prescription opioid data from Canadian sources including the Canadian Institutes for Health Information. According to Vividata, Canadians are heavy consumers of print and online media. Vividata reports that eighty-five (85) percent of Canadian adults read/access magazine or news brands weekly via print or digital platforms. The Canadian Internet Registration Authority (CIRA) reports that seventy-four (74) percent of Canadians spend at least three-to-four hours online per day. Canadians are also heavy users of social platforms such as Facebook. According to Canadian's Internet,⁴⁹ "[n]o matter the age, education level, employment status, income or gender, at least 75% of online Canadians use Facebook and at least 69% visit the network once per month or more."

77. Taking into account the foregoing, to accomplish effective outreach in Canada, the Supplemental Notice Plan will implement a multifaceted approach including print, digital online, social media, and earned media efforts.

⁴⁹ See Melody McKinnon, 2018 Report: Canadian Social Media Use Statistics, CanadiansInternet.com (Business), Mar. 1, 2018, accessible at <https://canadiansinternet.com/2018-report-canadian-social-media-use-statistics/>.

A. CANADIAN MAGAZINES

78. The Bar Date Notice will be published in Canadian magazines as a one-half page plain language summary notice of approximately 650 words, consistent with the summary notice published in magazines in the United States. The summary Bar Date Notice will be published in plain concise English and French languages in nine (9) nationally distributed magazines, as follows:

CANADIAN MAGAZINES	LANGUAGE	CIRCULATION
<i>Canadian Geographic</i>	English	147,252
<i>Canadian Living</i>	English	342,782
<i>Chatelaine</i>	English	258,000
<i>Maclean's</i>	English	173,000
<i>Reader's Digest</i>	English	447,577
<i>Coup de Pouce</i>	French	169,515
<i>Chatelaine</i>	French	90,000
<i>L'actualite</i>	French	87,000
<i>Reader's Digest</i>	French	87, 160

B. CANADIAN NEWSPAPERS

79. The summary Bar Date Notice of approximately 650 words will be published in plain and concise language in the largest Canadian nationally circulated newspapers, as follows:

NATIONAL NEWSPAPER	LANGUAGE	CIRCULATION
<i>Globe & Mail Weekday</i>	English	346,593
<i>Globe & Mail Saturday</i>	English	406,893
<i>National Post Weekday</i>	English	167,240
<i>National Post Saturday</i>	English	186,302
<i>Le Journal de Montreal Weekday</i>	French	232,137
<i>Le Journal de Montreal Saturday</i>	French	232,137

C. CANADA ONLINE

80. **Online Display.** Online display advertising in Canada will target Canadians eighteen (18) years of age and older. Targeting considerations will be made consistent with those in the United States to appropriately reach relevant demographic clusters with a higher tendency to be prescribed opioids⁵⁰. The online advertisements will be served in English and French as follows:

ONLINE DIGITAL MEDIA	LANGUAGE	IMPRESSIONS
Adults 18+	English & French	23,000,000
Google Search	English & French	700,000

81. **Social Media.** Social media advertising in Canada will include Facebook, Instagram and YouTube as follows:

SOCIAL MEDIA	LANGUAGE	IMPRESSIONS
Facebook/Instagram	English/French	45,000,000
YouTube	English/French	5,000,000

82. **Press Releases.** The Debtors will issue press releases across the Canadian Bilingual General Media Newslane in English and French.

83. **Community Outreach.** The Supplemental Notice Plan includes outreach to third-party organizations that may help expand awareness of the Bar Date and claims process. We will send a one-page notice to appropriate contacts to post or provide the notice to their members, patients, or customers. The 8.5 x 11 notice will be printed in full-color on the front and

⁵⁰As of 2016, apparent opioid-related deaths and hospitalization rates were highest in the western provinces of British Columbia and Alberta and in both Yukon and the Northwest Territories. Nationally, most apparent opioid-related deaths occurred among males; individuals between 30 and 39 years of age accounted for the greatest proportion. See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6034966/>

back and will describe in plain-language how claimants can file a proof of claim and where they may obtain additional information about the Bar Date. Further, we intend to employ an influencer campaign through social media, bloggers and podcasters to amplify the message.

84. A sample of the organizations include, among numerous others:

ORGANIZATIONS
Alcoholics Anonymous
Addictions Foundation-Manitoba
Narcotics Anonymous
Addiction Services Recovery
Iris Addiction Recovery-Women
Salvation Army-Addictions
Alberta Alcohol & Drug Abuse
Turning Point Recovery Society

IX. DEDICATED WEBSITE(S) AND TOLL-FREE NUMBERS

85. The Debtors, through Prime Clerk, have established the dedicated Case Website and toll-free numbers in connection with these chapter 11 cases. The Case Website and toll-free numbers will be available in English, Spanish and French. The website address will be prominently displayed in all printed notice documents and other paid advertising and will provide notice of the Bar Dates and all requirements to comply therewith, as well as other relevant information relating to the chapter 11 cases. Included within the Case Website will be a page specifically tailored to, and designed for, Opioid Claimants, which will, among other things, inform them of certain key dates and deadlines, allow them to view certain key documents in these chapter 11 cases free of charge, and allow holders of claims and other creditors to register their email addresses and consent to e-mail service of certain notices required to be sent during these chapter 11 cases. In addition,

translations of the Summary Notice, Frequently Asked Questions sheet, and the Bar Date Notice will be available for download on the Case Website in English, Spanish and French.

X. PROJECT MANAGEMENT MONITORING AND QUALITY CONTROL

86. The Supplemental Notice Plan will not be a static noticing plan. Rather, the Supplemental Notice Plan will have the ability to adapt to ensure the optimal reach and frequency levels are in fact met in the face of evolving external factors. Actual media selections may vary at the time of media buy based on media channel availability, publisher approval and legal review. Prime Clerk's media team will constantly perform quality control reviews of the Supplemental Notice Plan's implementation to ensure resources are maximized and deployed efficiently and effectively.

XI. ACTIVE CAMPAIGN MANAGEMENT AND OPTIMIZATION

87. Prime Clerk actively manages and optimizes all media channels to minimize waste and to increase visibility and response. As the notice program progresses, it will continue to be refined by shifting budget toward the media channels and targeting that are delivering the greatest results and away from under-performing channels. Optimizations are made based on data from attribution sources such as Google Analytics, and other sources including social and general media tools Cision⁵¹ and Socialbakers⁵², among others. These tools provide detailed, real-time insight into how a campaign is performing and allow us to improve campaign performance on a continuous basis.

XII. ONLINE QUALITY CONTROL - AD FRAUD IDENTIFICATION, MITIGATION, AND REPORTING

88. I am the first court-approved legal notice expert to actively monitor, mitigate, and

⁵¹ See generally <https://www.cision.com/us/>.

⁵² See generally <https://www.socialbakers.com/>.

cull non-human (ad fraud bot traffic) from digital notice programs.⁵³ In my opinion, the Supplemental Notice Plan incorporates state of the art quality control mechanisms to ensure that the Debtors' online ads will be properly targeted to real websites where actual humans are likely to visit, rather than serving ads to websites and bots that attempt to fraudulently earn advertising revenue from the campaign (which would prevent actual claimants from seeing the Bar Date Notice).

89. Digital ad fraud, counterfeit impressions, and bots are an ever-present reality in the digital environment, silently stealing impressions from advertising budgets and, more importantly, potentially depriving Opioid Claimants of an opportunity to see a notice, which can have an impact on response rates and claims filed. The Association of National Advertisers reports that up to thirty-three (33) percent of advertising inventory can be lost to bots or non-human traffic, and buying premium inventory is no guarantee. Multiple layers of ad fraud detection technology, as well as human eyes, reviewing the logs are required to effectively mitigate ad fraud.

90. Prime Clerk's media team deploys multiple tactics of online audience verification to ensure that digital ads are served to humans on real websites in brand-safe environments:

i. *Employing a whitelist of publishers.* Prime Clerk's "Trusted Publishers Whitelist"⁵⁴ is comprised of approximately 4,000-plus, pre-vetted comScore top-visited websites selected for

⁵³ See Jeanne Finegan, *Creating a Class Notice Program that Satisfies Due Process*, Law360 (Feb. 13, 2018, 12:58 PM ET), accessible at <https://www.law360.com/articles/1011316/creating-a-class-notice-program-that-satisfies-due-process>; see also *Rule 23 Changes, Are you Ready for the Digital Wild, Wild West?*, CLE Webinar, accessible at <https://bit.ly/2PfuGvJ>.

⁵⁴A whitelist is a custom list of acceptable websites where ad content may be served. This allows our team to better control the quality of advertising inventory that is served to creditors. The creation of a whitelist helps to ensure that our ads are targeted to real websites where actual (human) class members are likely to visit, rather than serving ads to websites and fraudsters who are attempting to illegally earn advertising revenue from the campaign, and thereby depriving actual class members of their due process rights to see the Notice. Further, the whitelist helps to ensure that ads will not appear next to offensive, objectionable content or on fake news sites. Our whitelist is actively maintained over the campaign by using site-level reporting of brand safety, viewability and ad fraud.

audience scale that are regularly tested for ad fraud and brand safety to ensure we continue to serve only on the highest quality websites.

ii. *Ad fraud and brand safety tracking and scanning tools.* We use Integral Ad Science (“IAS”) tools to analyze online inventory quality and, based on our findings, manage our buys to include sites deemed by IAS to be limited in the potential for ad fraud, and are brand safe and viewable.

iii. *Human review of log-level data by our fraud expert.* In addition to utilizing best in class technology, we work with one of the industry’s top independent cybersecurity experts⁵⁵ who personally analyzes and monitors as logs for fraudulent anomalies such as ads being called to data centers, uncommon browser sizes, outdated browser versions and other parameters that indicate non-human traffic. Based on these tools and techniques, we will identify which websites are generating validated human click-throughs to the Debtors’ claimant websites and then redirect advertising traffic (impressions) to those sites.

IX. CONCLUSION

91. In my opinion, the robust and comprehensive outreach efforts employed for the Debtors’ notice procedures, including the Supplemental Notice Plan, reflect a particularly appropriate, highly targeted, efficient, and modern way to provide notice to known and unknown claimants. The Debtors’ notice procedures are broad and multi-faceted and are designed to reach the target nationwide in a variety of different ways. The Debtors’ Supplemental Notice Plan is estimated to reach 95 percent of adults eighteen (18) years and older with an average frequency of over six (6) times nationwide in the United States—the optimal reach and frequency. The Supplemental Notice Plan is estimated to also reach 80 percent of adults eighteen (18) years and

⁵⁵ Dr. Augustine Fou, Marketing Science Consulting Group, Inc. See <https://www.linkedin.com/in/augustinefou/>

older with an average frequency of three (3) times nationwide in Canada. Ultimately, when combined with the other methods of notice—including unmeasured methods such as community outreach—I believe that the overall effort will achieve even greater results.

92. For all of the reasons discussed in this Declaration, it is my opinion that the Debtors' Supplemental Notice Plan described above will effectively and efficiently reach the targeted population.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed: January 3, 2020
Tigard, Oregon.


Jeanne C. Finegan